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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,199	09/24/2003	Tamaki Nakamura	2936-0198P	4107

2292 7590 02/07/2008  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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PETERSON, CHRISTOPHER K

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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02/07/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,199	<b>Applicant(s)</b> NAKAMURA, TAMAKI	
	<b>Examiner</b> Christopher K. Peterson	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on September 24, 2003, January 11, 2006 and January 23, 2008 were filed on or after the mailing date of the application on September 24, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities:

Claim 2 cites "...a communications section for connecting to the Internet and obtaining the image data **therethrough**". Examiner believes and analyzes the claim to read "...a communications section for connecting to the Internet and obtaining the image data".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Osaka (US Patent # 6,023,277).**

As to claim 1, Osaka (Fig. 8) teaches an electronic apparatus (computer system) for obtaining and memorizing image data (memory 11b) representing an image and displaying (stereoscopic display 12) the image represented by the memorized image data (11b), comprising: a memory (11b) for memorizing, in addition to the image data, an attribute (file header 51 of Fig. 12) about a dimension of the image represented by the image data depending on whether the obtained image data represents a two dimensional image without parallax (2D data 53 of Fig. 12) or a three dimensional image with parallax (3D data 52 of Fig. 12) (Col. 16, lines 11 – 19). Osaka (Fig. 14) teaches a computer system which acquires an image and analyzes the image to determine if the image is 2D or 3D. If the display driver (6) determines the image has 3D data, then the image is displayed in 3D (Col. 17, line 10 – Col. 18, line 11). Osaka also teaches that the CPU (11) is supplied from a storage medium such as a floppy disk. Examiner believes this enables the CPU (11) to obtain images.

As to claim 5, Osaka (Fig. 8) teaches an electronic apparatus for obtaining and memorizing image data (memory 11b) representing an image and displaying (stereoscopic display 12) the image represented by the memorized image data (11b), comprising: a memory (11b) for memorizing, in addition to the image data, an attribute (file header 51 of Fig. 12) about a format of the image data (3D data 52 or 2D data 53 of Fig. 12) (Col. 16, lines 11 – 19). Osaka (Fig. 14) teaches a computer system which acquires an image and analyzes the image to determine if the image is 2D or 3D. If the display driver (6) determines the image has 3D data, then the image is displayed in 3D (Col. 17, line 10 – Col. 18, line 11). Osaka also teaches that the CPU (11) is supplied from a storage medium such as a floppy disk. Examiner believes this enables the CPU (11) to obtain images (Col. 15, lines 3 – 13).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2 – 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osaka (US Patent # 6,023,277) in view of Wada (US Patent # 6,965,413).**

As to claim 2, Osaka teaches an electronic apparatus (host computer 11) with a CPU (11a) and memory (11b). Osaka also teaches the ability to obtain image data by

storage mediums such as floppy disks (Col. 15, lines 3 – 13). Osaka does not specifically teach a communications section for connecting to the Internet and obtaining the image data. Wada reference cites a foldable portable terminal unit containing a picture taking device capable of transmitting both image and voice. Wada (Fig. 6) teaches a communications section (transmission controller 20 and network interface 21) for connecting to the Internet (transmission path 23) and obtaining the image data (Col. 3, line 61 – Col. 4, line 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a communications section for connecting to the Internet and obtaining the image data as taught by Wada to the host computer of Osaka, because the display device disposed in the lid portion is constructed to be foldable and rotatable freely with the picture taking camera fixed in the case main body. Thus, by rotating or folding the lid portion corresponding to his or her own image or an image of an outside object taken with the picture taking camera, user can monitor that image with the display device in a state suitable for taking picture. Further, reduction of the size thereof is achieved, so that a portable terminal unit convenient for carrying can be provided (Col. 5, lines 45 – 55 of Wada).

As to claim 3, Wada teaches a camera (picture-taking camera 11) for photographing the image so that the image data is obtained by the camera (11) (Col. 3, line 66 – Col. 4, line 11).

As to claim 4, Wada (Fig. 6) teaches an input section for inputting audio (receiver 15) (Col. 2, lines 55 – 58); an output section for outputting audio (speaker 13) (Col. 2, lines 55 – 58); and a communications section for transmitting and receiving audio (voice

codec section 19, transmission controller 20 and network interface 21) (Col. 4, lines 12 – 19), wherein the electronic apparatus (mobile phone 1) functions as a telephone (1) (Col. 2, lines 51 – 61).

As to claim 6, Wada (Fig. 6) teaches an input section for inputting audio (receiver 15) (Col. 2, lines 55 – 58); an output section for outputting audio (speaker 13) (Col. 2, lines 55 – 58); and a communications section for transmitting and receiving audio (voice codec section 19, transmission controller 20 and network interface 21) (Col. 4, lines 12 – 19), wherein the electronic apparatus (mobile phone 1) functions as a telephone (1) (Col. 2, lines 51 – 61).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vrachan (US Patent Pub. 2003/0053033) cites a projection system for aerial display of three-dimensional video images.

Ogawa (Japanese Patent Pub. 2001-251403) cites a mobile telephone device with a stereoscopic image display.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Peterson whose telephone number is

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571-270-1704. The examiner can normally be reached on Monday - Friday 6:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP  
31 January 2008

  
Tim Henn  
Patent Examiner, SAU 2622